

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**Case No. 3:12-CR-00235-MOC-DCK**

UNITED STATES OF AMERICA, )  
- v - )  
PHILLIP D. MURPHY, )  
Defendant. )  
 ) DEFENDANT'S MOTION  
 ) FOR A TWO-WEEK  
 ) ADJOURNMENT OF TRIAL

The Defendant, Phillip D. Murphy, by and through his counsel, respectfully requests that the Court postpone the start of trial in the above-captioned matter by two weeks for the following reasons:

1. Trial is scheduled to begin on February 3, 2014.
2. Susan R. Necheles, Esq. is lead counsel for Mr. Murphy in connection with the criminal charges pending against him. Ms. Necheles became ill at the beginning of this week and was unable to attend the argument and conference before Your Honor on January 15, 2014. On Friday, January 17, Ms. Necheles's doctor diagnosed her with pneumonia and instructed her to stay on bed rest for an additional week to two weeks. Ms. Necheles had been planning to relocate to Charlotte for the trial during the last week of January, a week and a half from now. Given her doctor's diagnosis and instructions, she is unlikely to be able to move to Charlotte at that time.

complex—they relate to numerous complicated financial transactions executed over the course of at least four years, to which at least fifteen fact witnesses will testify, and the government will introduce over one thousand exhibits, including documents and audio recordings. Given her in-depth knowledge of the facts of the case as a result of her long-standing representation of him, Ms. Necheles will be the attorney primarily responsible for witness examinations and jury argument at Mr. Murphy’s trial. Counsel has been conducting its trial preparation accordingly.

4. Due to the interruption in trial preparation caused by Ms. Necheles’s illness, and the additional time that Ms. Necheles will likely need to remain in New York on bed rest or under the care of her doctor, Defendant respectfully requests a two-week adjournment of the trial date, to February 17, 2014.

5. Defense counsel has conferred with counsel for the government, and counsel for the government has represented that the government has no objection to the requested adjournment.

6. If the Court desires to hold a telephone conference with the parties to discuss scheduling, counsel for both sides will be available at the Court’s earliest convenience.

WHEREFORE, Defendant respectfully requests that the Court adjourn the trial until February 17, 2014.

Respectfully submitted,

This the 18th of January, 2014.

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/s/ Kathleen E. Cassidy

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this, the 18th day of January 2014, Defendant's Motion for a Two-Week Adjournment was duly served upon

Steven Tugander (steven.tugander@usdoj.gov)  
Richard Powers (richard.powers@usdoj.gov)  
Eric Hoffmann (eric.hoffmann@usdoj.gov)

by electronic means via the Court's ECF system.

/s/Kathleen E. Cassidy  
Kathleen E. Cassidy